

REMARKS

1. Summary of the Office Action

In the Office Action mailed August 19, 2005, the Examiner rejected claims 1, 9, 14, and 16-18 under 35 U.S.C. §112, second paragraph, for reciting limitations with insufficient numerical antecedent basis. The Examiner rejected claims 1-3, 14-18, and 20-21 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,131,112 (Lewis et al.). The Examiner rejected claims 4-5 and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al. in view of U.S. Patent No. 6,317,743 (Heck). The Examiner rejected claims 9-13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al. in view of U.S. Patent No. 5,742,762 (Scholl et al.).

2. Amendments and Pending Claims

Applicant has amended claims 1, 9, 14, and 16-18. Now pending in this application are claims 1-5 and 9-23, of which claims 1, 9, 14, and 16-18 are independent.

3. Response to Rejections under 35 U.S.C. §112, second paragraph

The Examiner rejected claims 1, 9, 14, and 16-18 under 35 U.S.C. §112, second paragraph, for reciting limitations with insufficient numerical antecedent basis. Applicant has amended claims 1, 9, 14, and 16-18 to recite "board type" instead of "first board type."

4. Response to Rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a)

a. Claims 1-5, 14-18, and 20-23

The Examiner rejected claims 1-3, 14-18, and 20-21 under 35 U.S.C. § 102(e) as being anticipated by Lewis et al. The Examiner rejected claims 4-5 and 22-23 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al. in view of Heck. Claims 4-5 and 22-23 depend from claims 1 and 18, respectively, and thus incorporate by reference all of the limitations of claims 1

and 18, respectively. Applicant respectfully traverses the anticipation rejection of pending independent claims 1, 14, and 16-18 because Lewis et al. does not disclose or suggest each and every element as recited in any of these claims.

In particular, with respect to amended claims 1, 14, and 16-18, Lewis et al. does not disclose or suggest (i) receiving a first software image comprising a first command line interface server and a first version of software for a board type, and storing the first command line interface server in a memory and downloading the first version of software to a first set of one or more boards of the board type, or (ii) receiving a second software image comprising a second command line interface server and a second version of software for the board type, and storing the second command line interface server in the memory and downloading the second version of software to a second set of one or more boards of the board type.

At best, Lewis et al. teaches a (i) System Management Platform (SMP) server having an SMP command line interface, (ii) a Network Management Platform (NMP) server having an NMP command line interface and many software modules, each of which is usually invoked by one of the other software modules, and (iii) the NMP command line interface server allows a user to enter a command that directly invokes a particular one of the many software modules. (See, e.g., Col. 8, lines 54-65). However, Applicant does not find in Lewis et al. any teaching or suggestion of receiving a software image comprising a command line interface server and a version of software for a board type, and storing the command line interface server in a memory and downloading the version of software to a set of one or more boards of the board type, as recited in amended claims 1, 14, and 16-18.

Applicant submits that claims 1, 14, and 16-18 are allowable because Lewis et al. does not teach or suggest each and every element of claims 1, 14, and 16-18 as required for Lewis et

al. to anticipate claims 1, 14, and 16-18 under 35 U.S.C. § 102(e). Further, claims 2-5, 15, and 20-23 are allowable for at least the reason that claims 2-5, 15, and 20-23 depend from an allowable claim.

b. Claims 9-13 and 19

The Examiner rejected claims 9-13 and 19 under 35 U.S.C. §103(a) as being unpatentable over Lewis et al. in view of Scholl et al. Applicant respectfully traverses the rejection of claims 9-13 and 19 because the combination of Lewis et al. and Scholl et al. does not disclose or suggest each and every element as recited in any of these claims.

In particular, with respect to amended and independent claim 9, the combination of Lewis et al. and Scholl et al. does not disclose or suggest a system manager that receives (i) a first software image comprising a first command line interface server and a first version of software for a board type, and (ii) a second software image comprising a second command line interface server and a second version of software for the board type, wherein the system manager downloads the first version of software to a first set of boards for programming the first set of boards with the first version of software and downloads the second version of software to a second set of boards for programming the second set of boards with the second version of software.

As noted above, Lewis et al. teaches a (i) SMP server having an SMP command line interface, (ii) a NMP server having an NMP command line interface and many software modules, each of which is usually invoked by one of the other software modules, and (iii) the NMP command line interface server allows a user to enter a command that directly invokes a particular one of the many software modules. However, Applicant does not find in Lewis et al. or in Scholl et al. any teaching or suggestion of (i) a first software image comprising a first

command line interface server and a first version of software for a board type, and (ii) a second software image comprising a second command line interface server and a second version of software for the board type, wherein the system manager downloads the first version of software to a first set of boards for programming the first set of boards with the first version of software and downloads the second version of software to a second set of boards for programming the second set of boards with the second version of software, as recited in amended claim 9.

Applicant submits that claim 9 is allowable over Lewis et al. and Scholl et al. for at least the foregoing reasons. Further claims 10-13 and 19 are allowable for at least the reason that claims 10-13 and 19 depend from an allowable claim.

5. Conclusion

For the foregoing reasons, Applicant submits that claims 1-5 and 9-23 are in condition for allowance. Therefore, Applicant respectfully requests favorable reconsideration and allowance of all the pending claims.

Respectfully submitted,
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